

UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT EASTERN DIVISION OF ILLINOIS

RECEIVED

Jimmy DALE Miller #2007-0049271
ERIC CANNON #2007-0094203
Plaintiffs,

- vs -

Deputy Sheriff MR. VELEZ
Lt. Ms. MARTINEZ

MR. Hinton

Ms. ~~WINTER~~ C. Giles

Deputy Sheriff Mr. Littenburger "LB"

Deputy Sheriff MR. Johnson

Sgt. MR. PAUPT

Supt. SALAZAR
Supt D. ANDREW

Deputy Sheriff MR. Aloisio

Defendants.

Complaint

08CV2054
JUDGE GETTLEMAN
MAG. JUDGE KEYS

JUDGE _____

Complaint under Civil Right Act title 42 section 1983
U.S. CODE

1. Plaintiff:

A) NAME: Jimmy Dale Miller

B) List alias: "New York"

C) Jail Number: #2007-0049271

D) PLACE OF CONFINEMENT: Cook County Jail

E) address: P.O. Box 089002, Chicago, IL. 60608

Plaintiff:

A) ERIC CANNON #2007-0094203

B) List Alias: "E"

B) DEFENDENT: MS. MARTINEZ

TITLE: LT. (Disciplinary Hearing Board Designee)

PLACE OF EMPLOYMENT: Cook County Jail

C) DEFENDENT: Ms. ~~JANET~~ C. Giles

TITLE: Disciplinary Hearing Board Designee (Civilian)

PLACE OF EMPLOYMENT: Cook County Jail

D) DEFENDENT: MR. VELEZ

TITLE: Deputy Sheriff

PLACE OF EMPLOYMENT: Cook County Jail (Division 10)

E) DEFENDENT: ~~MR.~~ LITHENBURGER "LB"

TITLE: Deputy Sheriff

PLACE OF EMPLOYMENT: Cook County Jail (Division 10)

F) DEFENDENT: MR. JOHNSON

TITLE: Deputy Sheriff

PLACE OF EMPLOYMENT: Cook County Jail (Division 9)

G) DEFENDENT: MR. Aloisio

TITLE: Deputy Sheriff

PLACE OF EMPLOYMENT: Cook County Jail (Division 9)

H) DEFENDENT: MR. PAUP

TITLE: Sgt.

PLACE OF EMPLOYMENT: Cook County Jail (Division 9)

I) DEFENDENT: MR. SALAZAR

TITLE: Superintendent

PLACE OF EMPLOYMENT: Cook County Jail (Division 9)

J) DEFENDENT: MR. D. ANDREW

TITLE: Superintendent

PLACE OF EMPLOYMENT: Cook County Jail (Div 10)

III List all LAW SUITS you HAVE Filed (if any)
(also co-plaintiffs if any) in or Federal Court in the
United State)

(A) Plaintiff: Jimmy Dale Miller #2007-0049271

• Name the Case & Docket: Don't Remember

• Approximately Date of Filing: Don't Remember

• List of plaintiffs if any: My self

• List DEFENDENTS: I believe it was the Director of the New York Department of Correction Mr. Coughlin, the superintendent of the prison I was in, and staff. It been so long ago I really don't remember.

• Court in which the law suit was filed? Don't Remember

• Name of Judge to whom case was assigned? Don't Remember

• Basic claim made: Challenging a Disciplinary Hearing

• Disposition of this case? I believe it was Dismissed for failure to state claim

• approximate Date of disposition? 80's or Early 90's

(PRESENT CASE in federal court)

• NAME the Case & Docket#: "Jimmy Dale Miller (#2007-0049271) vs. CORRECTIONAL officer John Doe, et al.

• Approximately Date of Filing: Feb. 01, 2008

• List of Plaintiffs: My self

• List DEFENDENTS: CORRECTIONAL officer John Doe, et al.

• Court in which the law suit was filed? United States District Court, Northern District of Illinois (3)

• Name of Judge to whom case was assigned?

HONORABLE ROBERT W. GETTLEMAN

• Basic claim made: plaintiff claims that the defendants, CORRECTIONAL officials and health care providers at the jail, have violated plaintiff's constitutional rights by acting with deliberate indifference to his serious medical and mental health needs, by using excessive force against him, and by interfering with his access to the courts. More specifically, Plaintiff alleges that: (1) his request for his psychotropic medication were ignored, resulting in a suicide attempt; (2) he was denied needed medical care for a back injury, eye problem, and other ailments; (3) guards beat him and "hogged-tied" him (while another officer stood by without intervening when fellow officers used unjustified force);

• Disposition of the case? STILL PENDING
STATUS HEARING SET FOR APRIL 29, 08

• Approximate date of Disposition? N/A

(3) CO- PLAINTIFF: ERIC CANNON #2007-~~00~~94203

• Name the case? DOCKET? Don't Remember

• Approximately DATE of Filing? Don't Remember

• List of plaintiff if any? SELF & LARRY PIATEK

* List of DEFENDENTS: ? (2) TWO

* Court in which the law suit was filed? WESTERN DIS. OF WY.

* Name of The Judge to whom case was assigned? Don't Remember

• Basic Claim made? Request for psychotropic medication ignored (4)

Disposition of this case? Dismissed with prejudice
approximately date of Disposition? I believe 2005

IV. Statement of Claim: State here as briefly as possible the FACT of your CASE- DESCRIBE how each defendant played a part in the matter including NAMES, Dates, and places. Do NOT give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claim number and set forth each claim in a separate paragraph: "While in the Jurisdiction and in the custody of the defendants, it is their duty and Responsibility to provide Plaintiffs: MR. Jimmy Dale Miller #2007-0049271 and CO-Plaintiff MR. ERIC CANNON #2007-0094203) Reasonable CARE and protection of said Plaintiffs; and at all RELEVANT times here in Defendants WERE "PERSON" ^{Sachon} For purposes of 42 U.S.C. 1983 and acted UNDER color of LAW to deprive plaintiffs of THEIR constitutional Rights as set Forth more Fully Below:

Plaintiff: Jimmy Dale Miller #2007-0049271

- (1) ON Oct 25, 2007 I WAS Released From the ~~the~~ psych ward after an attempt to committ suicide. Before the suicide attempt I was in the "Hole" For A Fight. I RECEIVED my M.'s behavior report; Later went to A HEARING. THE HEARING WAS conducted by MR. Hinton... MR. Hinton Never told me RATHER if I WAS Found Guilty or Not Neither WAS I told how much Time I had to do or given a Disposition of the out come of my

HEARING.

When they released me from the psych ward I was transferred to DIV. 10 2B ~~to~~ 1 cell, again an incident occurred with my cell mate, we had a fight (this was about a few months later) I NEVER RECEIVED A MISBEHAVIOR REPORT BUT I WENT TO THE HEARING THE HEARING BOARD DESIGNEE'S WERE LT. MARTINEZ, and CITIZEN MS. JANE DOE

AS SOON AS THE HEARING COMMENCED I TOLD LT. MARTINEZ THAT I HAVE NOT RECEIVE A MISBEHAVIOR REPORT SHE STATED "THAT'S NOT OUR FAULT IT'S UP TO THE TIER OFFICER TO GIVE YOU YOUR COPY."

~~I NEVER RECEIVED A DISPOSITION, NOR WAS I TOLD HOW MUCH TIME I WOULD RECEIVE OR RATHER THEY FOUND ME GUILTY OR NOT.~~

I NEVER RECEIVED A DISPOSITION, NOR WAS I TOLD HOW MUCH TIME I WOULD RECEIVE OR RATHER THEY FOUND ME GUILTY OR NOT.

When I had the fight with my cell mate they moved me to Div 10 1A there (on or about the month of Jan/08) I got into another altercation with a CARLOS RUIZ a DETAINEE that RAN UP and attacked me. A ~~mis~~ FALSE MISBEHAVIOR REPORT WAS WRITTEN ~~off~~ against me BY DEPUTY SHERIFF VELEZ. I NEVER RECEIVE A MISBEHAVIOR REPORT; I WENT TO THE HEARING WHICH WAS BEING LED BY MR. HINTON DISCIPLINARY DESIGNEE. I WAS NEVER TOLD WHAT I WILL RECEIVE BUT WAS TOLD "WE'LL GET BACK WITH YOU." THEY NEVER DID AND I NEVER RECEIVED A DISPOSITION

ON FEB 08, 08 I WAS WRITTEN UP BY C.O. WILCOX I RECEIVED THE MISBEHAVIOR REPORT BUT REFUSED TO SIGN (HOW I WAS ^{EVER} STILL GIVEN MY TICKET) WENT TO THE HEARING WHICH WAS CONDUCTED BY LT. MARTINEZ AND MS. JANE DOE

I pled Not Guilty to the Charge and Ms. MARTINEZ (Lt) Stated "she wrote the Ticket wrong" I WAS NEVER GIVEN A Disposition OR WAS EVER told if I WAS Found Guilty OR NOT.

ON the 11th of FEBRUARY another incident occurred BETWEEN MYSELF and A DETAINEE THOMAS COFFIE WE WERE Both engaged in a psycial altercation in which we both had to be seperated By SEVERAL DETAINEES during the whole altercation C.O. LITHENBURGER did nothing to Seperate us OR stop the Fight But let us continue Fighting until we were separated By other detainees. That day I was written up For fighting However Thomas Coffie was never written up. I never received a Misbehavior Report. I went to the hearing which was conducted by Lt. Martinez and Ms. JANE DOE, infact this misbehavior Report was heard the SAME DAY she heard the misbehavior Report that Ms. Wilcox wrote on me Feb. 08, 08 I never received a Disposition in Both misbehavior Reports.

ON the 27th of FEBRUARY I was brutally assaulted by Smith Levail in the Shower. I was served a misbehavior Report, signed for it. I went to the hearing which was conducted by Mr. Hinton, Ms. JANE DOE, and Deputy Sheriff LITHENBURGER "LB" I pled Not Guilty and explained to the Board that I wish to File Criminal Charges against this DETAINEE again I WAS NEVER GIVEN A Disposition NOR WAS I EVER Told if I WAS Found guilty OR NOT. I WAS Transferred to DIV 10-1D

ON March 06 while Housed ON ID in Div 10 I WAS called to RECEIVING and there I WAS told that I AM to Pack it up For I will be going to the Hole (segregation) when I asked the officer what For? SHE SAID "FOR a Fight I had WITH A Carlos Ruiz." I told her that WAS in JANUARY! she then stated "Well I guess they got Room For you." I told her that I NEVER RECEIVED A MISBEHAVIOR RECEIVED A MISBEHAVIOR REPORT. ~~she then stated that it was~~ I WAS Further ~~that~~ told that I only had 10 days to do. I packed up my things and WAS led to the receiving Bullpens. There I saw Corr. Counselor Ms. GRAHAM and she asked me about the injury I sustain (swollen eye) I told her I WAS Tumped on in the shower and wanted to press charges. she went into her office and told me to file a grievance and request to press charges... (this officer name is MS. Wilson)

(2) ON March 06 I, co-plainiff ERIC CANNON #2007-0094203 WAS led into Division 9 there positioned at the GATE WAS Superintendent SALAZAR HE WAS ON A buggy CART. WE WERE led into a RECEIVING AREA placed in a ~~pin~~ Bull pin then Superintendent SALAZAR CAME in AND started yelling and cursing at us to get away FROM the Bars and to FIND A SEAT (EVEN ON the FLOOR) HE then Instructed his officer's C.O. Aloision if they DON'T comply with the SEARCH Put them on SECURITY LEVEL 1 and made it clear that they had

Enough Room there!

WE were led in to another cell and ordered to strip to our clothes as other inmates, officers and other staff members who entered the receiving AREA watched AS we were told to Face the wall, Grab it, cough several times. At the time of this strip search there were Partitions which are used to SEARCH a DETAINEES, to protect his privacy these partition were never ~~used~~ used. The strip ~~search~~ search was conducted by C.O Aloisio and C.O. Johnson and was supervised By Sgt. Paup

ON MARCH 16, 08 10 days later the officer called out all the seg. Release But they didn't call my cell. I tried to find out what was going on the officer said he would check on it But it would be difficult be cause it is the week end. That Monday (I believe) I asked our gallery officer Deputy officer Ms. King and told her what my situation is and my out date, she went and checked and told me that I had 38 Day and I get out April 13, 08. I Filed a grievance on the 16th of March which WAS Received By my Counselor Mrs. Pluckett on 3/18/08 I haven't heard any thing From my ticket so I wrote another Grievance on the Disciplinary and the strip search ISSUES.

Some time later Counselor Pluckett came to me with the grievance I Filed Regarding me wishing to press charge against LEVAIL Smith. I Appealed the grievance (it was Forwarded to I.A.D., INTERNAL AFFAIR DEPT.)

I was then moved to 2E lower 5 cell Maximum Security status

ON 3/31/08 as I WAS coming Back From the ~~here~~ Parole Hearing Board MR. Hinton and Lt. MARTINEZ WERE leaving out of Div. 9 I requested to speak with them they Both Denied to speak with me

ON 4/1/08 at 1:12 P.M. Internal affairs *Investigator Ms. GARCIA (Badge # 16) came to speak with me about my wanting to press charges against LEVAIL Smith I was Read my Rights and was ~~ask~~ asked a few questioned before Ms. Garcia made the determination that she felt I would sue the county ~~so~~ she concluded the interview in order not to incriminate her self (These were her words) she asked me to sign a consent form to release my medical Record. I told her that it would be best that I didnt sign ~~until~~ until I ~~am~~ am appointed legal Representation ...

(later on on this same Day (4/1/08)) CORR. Counselor Ms. Butler came to my cell I gave her the 2 grievances (I refiled regarding the Disciplinary hearings and the strip search) she gave me a copy of my First grievance I Filed Disciplinary Proceeding/Disposition, and appeals

the grievance was never given a control number
 Nor did I received a response or any feed back
 From my Grievance. However my grievance was
 handled as a Request and was Instructed to
 Appeal to the Superintendent I WAS NEVER given the
 appropriate Form to appeal to the superintendent
 I then File A Request to J. Mailer, MR. WARREN
 and (Supervisor's) and Counselor Butler For Further
 assistance in the matter and appeal process

Also the grievance was marked (DENIED)
 Appeal to superintendent

Co-Plaintiff: ERIC CANNON #2007-0094203

* This is Jimmy Dale Miller #2007-0049271

I'm writing on the be half of MR. ERIC CANNON
 he made a attempt to committ suicide he was
 Escorted off the unit By several officer to
 Psych unit 03/09/08 Sunday 3pm to 11pm
 shift. approximately 7:30 P.M...

CELLMATE STATEMENT: my cell mate was under serious
 depression he kept contimplating taking his own life
 because he metioned he was claustrophobic

* this is Jimmy Dale Miller #2007-0049271 I am again writing on the behalf of CO-Plaintiff ERIC CANNON #2007-0094203 I am trying to get his state-ment and his signature and sent a Detainee to his cell but was informed that CO-Plaintiff ERIC CANNON #2007-0094203 ~~was~~ HAS Returned From the psych unit But WAS HEAVENLY SEDATED. Approx 10:55 AM Monday 10/2007.

* ERIC R. CANNON, ON MARCH 6th, 2008 I, as well as MR Jimmy Miller & a couple of other Detainees were shipped from Div 10 to 9 for purposes of serving seg time. While in the bull-pen Officer Johnson gave both Jimmy Miller & I, as well as (2) two other Detainees direct orders to strip down of all our clothes. We were observed by other Detainees awaiting to go through the same process. We were then ordered by Officer Aldicio to "TURN AROUND, GRAB THE WALL & COUGH." We were told to cough (2) two Times in a embarrassing & awkward position, in front of everybody.

While the search was conducted it was supervised by Sgt. PAUPT who stood & ~~and~~ randomly got up, behind a desk & watched the search being conducted. Right behind him there were several Search Partitions (the ones they use for privacy) & not one time did he recommend that they be used... filed a Grievance.

V. RELIEF: STATE BRIEFLY what you want the COURT TO DO FOR you. MAKE NO LEGAL ARGUMENTS CITE NO CASE OR STATUTES

Plaintiff: Jimmy Dale Miller # 2007-0049271

Request the following Relief(s):

- Plaintiff Request an ORDER declaring that the DEFENDENTS HAVE acted in violation of the UNITED STATES CONSTITUTION
- Plaintiff Request Compensatory, Punitive and Monetary Damages in the amount to be determined by the ENLIGHTENED CONSCIENCE of a Jury
- Plaintiff Request compensatory, punitive, monetary Nominal and Actual damages to be AWARDED "SEPERATELY" to the plaintiff against ^{EACH} C.O. Aloisio C.O. Johnson and Sgt. Paup and ALL REMAINING DEFENDENTS
- Plaintiff Request an Injunctive Relief Requesting a PERMANATE Restraining order against C.O. ALOISIO, C.O. JOHNSON, Sgt. Paup FOR Plaintiff FEARS that Retribution will be sought against plaintiff FOR filing this Complaint against DEFENDENTS.
- Plaintiff REQUESTED to be compensated FOR EVERY DAY he SPENT in SEGREGATION

Plaintiff request that Defendants: C.O ALOI SIO
C.O. Johnson, and Sgt. Paupt be sued in their
individual and official capacity.

plaintiff further pray for Judgement in his favor
and damages in his favor against Defendants
that contributed to plaintiff mental anguish
and such additional relief as the court
may deem just and proper.



Jimmy Dale Miller
Jimmy Dale Miller #20070049271

Also ... Plaintiff Jimmy Dale Miller # 2007-0049271 Humbly Request
that the Following Individuals be allowed to Join this
CLASS ACTION. (I HAVE NOT the time or the opportunity
Take down their statement, File Informis Pauporis application
and Financial affidavit they have also been effected by this
action againts Defendants and wish to be apart of
this civil suit Detainees are as Follows:

• ROBERT Lewis	20070054332	Robert Lewis
• Kelvin Jones	20060053138	Kelvin Jones
• Aaron Dean	20070083214	Aaron Dean
• CARLOS Ruiz	(?)	N/A

CO-PLAINTIFF - ERIC R. CANNON #20070094203

Request the following Reliefs:

- Plaintiff request an order declaring that the defendants have acted in violation of the United States Constitution
- Plaintiff request compensatory, punitive & monetary damages in the amount to be determined by the enlightened conscience of a jury
- Plaintiff request compensatory, punitive & monetary nominal & actual damages to be awarded "seperately" to the plaintiff(s) against each officer: - officer ALOISIO, officer Johnson & Sgt. Paup.
- Plaintiff request an injunctive Relief requesting a permenate 'Restraining Order' against officer ALOISIO, officer Johnson & Sgt. Paup: for plaintiff fears that Retribution will be sought against plaintiff for filing this complaint against defendants.
- Plaintiff request that Defendants: officer ALOISIO, officer Johnson, & Sgt. Paup be sued in their individual & official capacity.
- Plaintiff further prays for judgement in his favor & damages in his favor against the defendants that contributed to Plaintiff's pain & suffering & mental anguish & such additional relief as the court may deem just & proper....

(16) * Eric R. Cannon #20070094203
ERIC R. CANNON

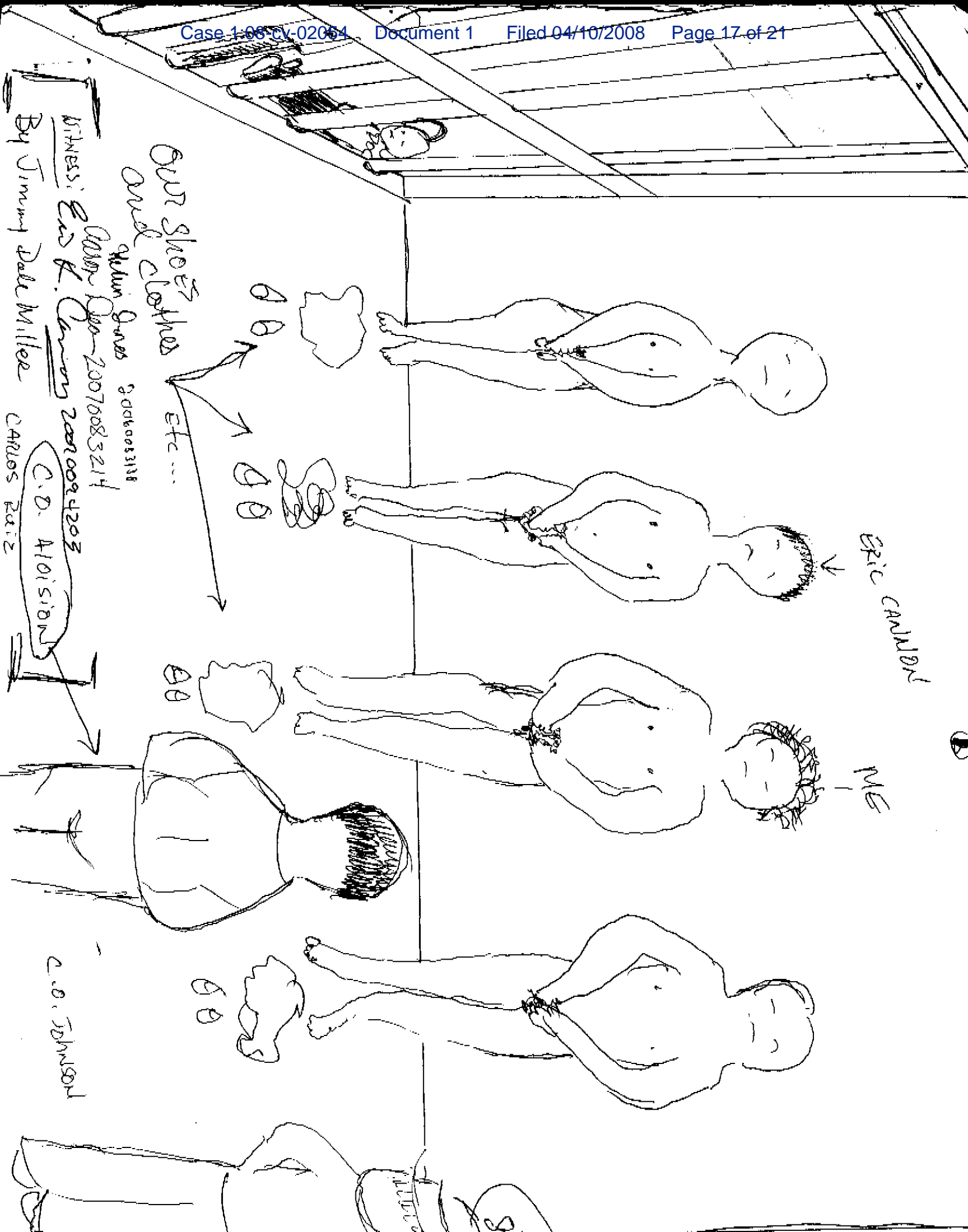
VI The Plaintiff(s) DEMANDS that the CASE
BE TRIED BY A JURY ☒ Yes ☐ No

Certification

By signing this complaint, I certify that the facts
stated in this complaint are true to the best of
"our" knowledge information and belief. "we" understand
that if this certification is not correct "we" may
be sanctioned by the courts...

Jimmy Dale Miller
Jimmy Dale Miller #2007-0049271
Cook County Jail, P.O. Box 089002
Chicago, Ill. 60608

X Eric R. Cannon
Eric Cannon #2007-0094203
Cook County Jail, P.O. Box 089002
Chicago, Ill. 60608



By Jimmy Dale Miller
Witness: Eric & Carlos 20070083214
Medium shoes 30060083118

OUR shoes
and clothes
etc...

C.D. 41015101

ERIC CALHOUN

ME

C.O. JOHNSON

By Jimmy Dale Miller

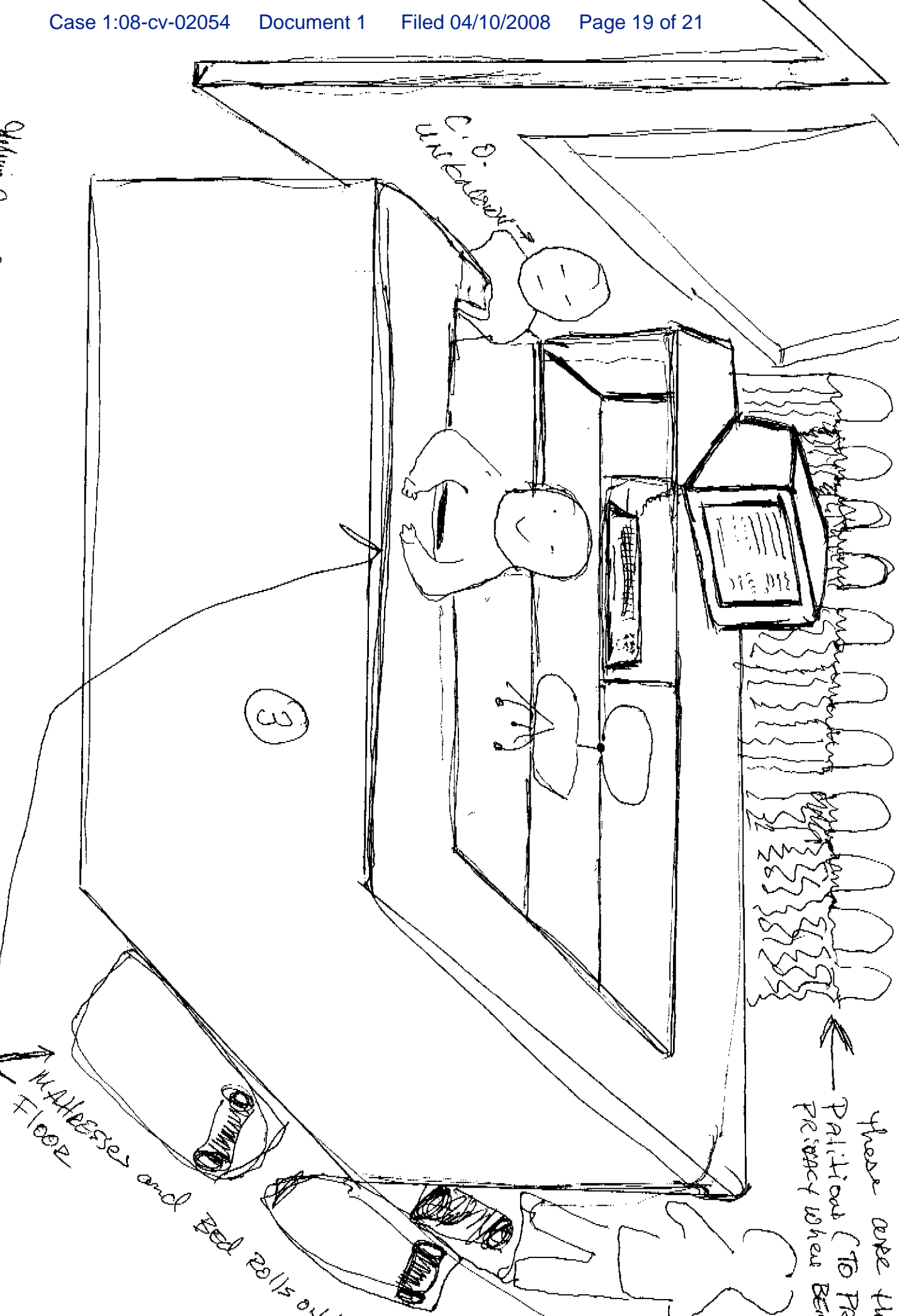
D.O. Johnson

Copy

Our
Clothes
and
Shoes

Witness: Eric L. Carter
 200700044703
 20070083214
 Sgt Jimmy Dale Miller

We used in this
 cage being striped
 searched as
 Sgt Patrick Sup...



These are the
 partitions (to protect
 when being searched)

Mattresses and Bed
 rolls on floor

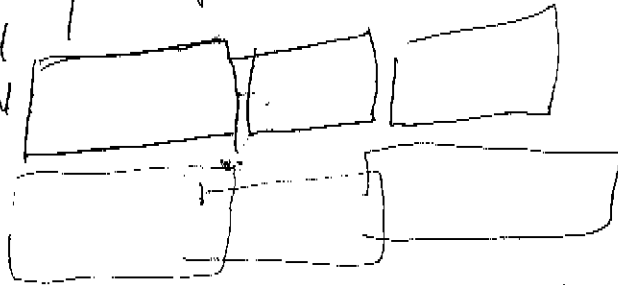
C.O. in bathroom

3

Wavy lines representing partitions.

these are partition
that protect your privacy during
strip search "

"They were all
in good condition
and was never
used.. "



(1)

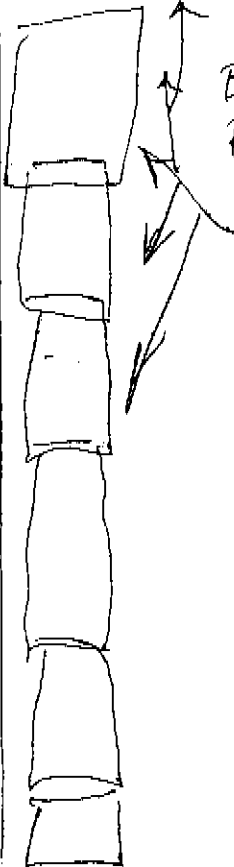
Fixing the Bed Rolls
MATTRESSES FOR us

Computer

CHAIR

Sgt PAUPT

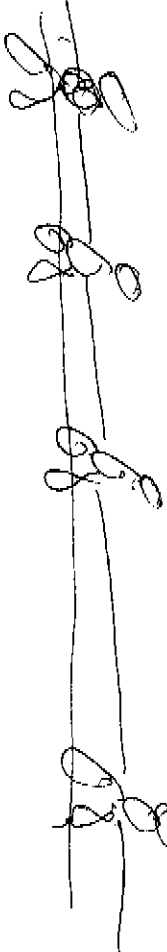
Officer



Bed
Rolls
and mattresses

(4)

(They look into the DETAINERS
Roll pins with the DETAINERS
searched at us being)



DIV 9 RECEIVING AREA

Entrance

C.O. Johnson

C.O. Alaisio

(3)

(They looking
At us being searched)
Roll pins with
DETAINERS



This is as being searched

Roll pins with
DETAINERS

